REMARKS

Claims 1-17 are all the claims presently pending in the application. Claims 1, 4-6 and 11-13 have been amended to more particularly define the invention. Claims 1, 5-6 and 11-13 are independent.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "**Version with markings to show changes made.**" These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, that Applicant's intent is to encompass equivalents of all claim elements.

Claims 4 and 11 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 5-6, and 11-13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of Flavin (U.S. Patent No. 6,005,603). Claims 1-4, 6-14 and 16-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hendricks, et al. (U.S. Patent No. 5,600,364). Claims 5-7, 9-13 and 15-17 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Logan, et al., (U.S. Patent No. 5,892,536). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan, et al., in view of Menard, et al. (U.S. Patent No. 5,061,056).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to an announcement system which includes an analyzer that analyzes a content of a content stream, an announcement generator that creates an announcement containing a description about the content, a transmitter that transmits the announcement to a receiver and a controller. The announcement is generated by a party other than a broadcaster of the content. The controller controls the presentation of the content based upon the description and the time in the announcement and based upon a comparison of the announcement with a filter record which includes at least one user preference for altering the presentation.

As explained in the present specification at, for example, page 7, lines 14-17 and page 11, line 8 through page 13, line 13, a viewer is able to control the presentation of the content stream by providing preferences in a filter record which indicates a presentation type for content which corresponds with a matching announcement. In this manner, the viewer is able to control the presentation of the content. The present invention enables a viewer to set preferences in the filter record which filters the announcements to determine whether and how the presentation of the broadcast content is altered. Therefore, in comparison with other systems, which alter the presentation in accordance with all of the announcements, the viewer is capable of setting preferences which alter the presentation of the content only with respect to selected types of announcements and may further determine how the presentation is altered when a selected type of announcement is received by providing a filter record.

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

The Examiner alleges that claims 4 and 11 are indefinite. While Applicant submits that such would be clear to one of ordinary skill in the art taking the present Application as a whole, to speed prosecution claims 4 and 11 have been amended.

Specifically, Applicant notes that claim 4 has been amended to replace "function" with "presentation" and that claim 11 has been amended in accordance with the Examiner's helpful suggestion.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE DOUBLE PATENTING REJECTION

The Examiner alleges that claims 1, 5-6 and 11-13 are obvious over claims 1-7 of U.S. Patent No. 6,005,603. Applicant submits that the claims of the patent do not teach the limitations of the present claims. Specifically, the patent claims teach that the announcements must be selectively added by one of a broadcaster and a party other than the broadcaster. In contrast, the claims of the present application 1) do not require that the announcements be selectively added; and 2) recite that the announcements originate from a third party. Thus, the patent claims do not teach that the announcements do not have to be selectively added by a broadcaster or another party OR that the announcements originate from a third party. Therefore, the claims of the patent do not teach the limitations of the application claims. Applicant respectfully requests withdrawal of this rejection.

IV. THE PRIOR ART REFERENCES

A. The Hendricks et al. reference

Regarding claims 1-4, 6-14 and 16-17, the Examiner alleges that the Hendricks et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

The Hendricks et al. reference does not teach or suggest the features of the independent claims including altering the presentation of the content from the broadcaster based upon a comparison of the announcement with a filter record which includes at least one user preference for altering the presentation.

To the contrary, the Hendricks et al. reference merely discloses receiving information from the broadcaster (from the operations center 202, either directly or via the cable headend 208). Indeed, the Hendricks et al. reference does not disclose receiving information from any source at all other than the broadcaster.

Morever, the Hendricks et al. reference is subject to the same problems of the conventional systems as described above. Conventional information processing systems rely upon control exerted only by the broadcaster of the content or by the user viewing the content to control the presentation of the content. Needless to say, the broadcaster of the content has ultimate control over the content being broadcast and these conventional systems have enabled automatic control over the viewing of the content by the television. However, this control has been based upon signals received from the broadcaster of the content, rather than an independent source which may be more trusted by a user than the broadcaster for providing a competent

judgment about the content.

Additionally, the set top terminal of the Hendricks et al. reference provides a presentation based upon the program control signals without any comparison at all, let alone a comparison with a filter record which includes viewer preferences. The Hendricks et al. reference discloses modifying the content based upon announcements at the cable head end to generate modified program control signals, while the set top unit does not make any type of comparison at all.

Further, the Hendricks et al. reference does not disclose a segment announcement receiver that includes a controller which alters a presentation of content based upon a comparison of the announcement to a filter record which includes a viewer's preferences. In other words, the Hendricks et al. reference does not allow the viewer to set preferences for which announcements will affect presentation of content. To the contrary, the set top terminal disclosed by the Hendricks et al. reference modifies the presentation of content as instructed by all of the program control signals. Thus, the viewer using the Hendricks et al. reference is forced to accept alteration of presentation of content by all program control signals (announcements).

Therefore, contrary to the allegations of the Examiner, the Hendricks et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. The Logan et al. reference

Regarding the rejection of claims 5-7, 9-13 and 15-17, the Examiner alleges that the Logan et al. reference teaches the claimed invention. Applicant submits, however, that there are

elements of the claimed invention which are neither taught nor suggested by this reference.

The Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast programming signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37).

However, the Logan et al. reference does not teach or suggest a segment announcement receiver which alters a presentation of content based upon a comparison of an announcement with a filter record which includes a viewer preference for the presentation. As explained above, the present invention enables the viewer to have greater control over the presentation of content by providing a filter record which allows filtering of the announcements which may be received from an independent reviewing group. Thus, rather than surrendering complete control over to an independent reviewing group, the viewer is able to decide which type of announcements will alter a presentation of content and how that alteration is performed. Thereby providing the viewer with an even greater level of control over the presentation of content.

The system disclosed by the Logan et al. reference is not capable of enabling the viewer to set preferences as to which announcements (marking signals) will affect the presentation and how selected announcements affect the presentation. To the contrary, the system disclosed by the Logan et al. reference requires that the processing unit 34 modify the broadcast programming signal based upon all of the marking signals without any sort of comparison, let alone a

comparison as to whether any particular marking signal is a type of marking signal which the viewer has indicated should alter the presentation based upon the storage of preferences in a filter record. In other words, the system disclosed by the Logan et al. reference requires the viewer to surrender complete control of the presentation of content over to the party which generates the marking signals at the editing station 42.

Therefore, contrary to the allegations of the Examiner the Logan et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection of claims 5-7, 9-13 and 15-17.

C. The Logan et al. reference in view of the Menard et al. reference

Regarding the rejection of claim 8, the Examiner alleges that the Menard et al. reference would have been combined with the Logan et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast

programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the content of a broadcast programming signal.

In contrast, the Menard et al. reference is specifically directed to a system for monitoring broadcast signals to detect content which may be of interest to individual viewers (col. 1, lines 7-9) and specifically directed to automating that process (col. 1, lines 24-36). In particular, the Menard et al. reference discloses a system which stores a profile database and automatically compares the content being received with the profile database and alerting a viewer if a match is detected (col. 1, line 66 - col. 2, line 18). Therefore, in contrast to the system disclosed by the Logan et al. reference which is directed to modifying programming, the Menard et al. reference is concerned only with monitoring the programming to determine whether the content may be of interest. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

While the Examiner alleges that one of ordinary skill in the art would have been motivated to combine "to reduce labor cost" that motivation is only applicable to automating the program monitoring as discussed in the Menard et al. reference and is not relevant at all to modifying programming as discussed in the Logan et al. reference. Especially, since the system disclosed by the Logan et al. reference is already automated.

Further, assuming for the sake of argument, that such a benefit of might have been of

benefit to the system disclosed by the Logan et al. reference, there is absolutely no evidence that anyone actually did combine these references prior to the present invention in spite of those perceived benefits. Therefore, the alleged combination cannot have been obvious at the time of the invention because, if it were obvious, one of ordinary skill in the art would already have made the alleged combination.

Moreover, the Menard et al. reference, like the Logan et al. reference, does not teach or suggest altering a presentation based upon a comparison of an announcement with a filter record which includes viewer presentation preferences as recited in claim 1. As noted above, the claimed invention enables the viewer to have greater control over the presentation of content by providing a filter record which allows filtering of the announcements which may be received from an independent reviewing group. Thus, rather than surrendering complete control over to an independent reviewing group, the viewer is able to decide which type of announcements will alter a presentation of content and how that alteration is performed. Thereby providing the viewer with an even greater level of control over the presentation of content.

Clearly, these novel features are not taught or suggested by the Menard et al. reference. Indeed, the Menard et al. reference is completely unrelated to the claimed invention.

Therefore, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 8.

V. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-17, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/6/03

James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 1, 4-6 and 11-13 to read as follows:

1. (Three Times Amended) A segment announcement receiver comprising:

a receiver section for receiving a signal, wherein one or more content streams and one or more announcements are carried on the signal, wherein each of said one or more announcements corresponds to a content being provided on said one or more content streams, wherein each of said one or more announcements includes:

a description about said corresponding content in said one or more of the content streams;

a time at which said corresponding content is transmitted on said signal, and

a content identifier,

wherein each of said one or more announcements was created by a party other than said broadcaster; and

a controller that alters a presentation of said content stream in accordance with the description and the time from a corresponding announcement based upon a comparison of said one or more announcements to a filter record which includes at least one user preference for altering said presentation.

4. (Amended) A segment announcement receiver, as in claim 1, where [the function is] said presentation is by any one or more of the following: a television, a radio, a closed circuit

television, a video recorder, and a computer.

5. (Three Times Amended) A segment announcement receiver comprising:

a first receiver section for receiving one or more content streams on a content carrier signal;

a second receiver section for receiving one or more announcements, each of the announcements containing a description about a corresponding content within said one or more content streams, a time at which the corresponding content is transmitted by the first receiver section, and a content identifier; and

a controller that alters a presentation of said content stream in accordance with the description and the time from a corresponding announcement, wherein each of said one or more announcements was created by a party other than said broadcaster, and wherein said controller alters said presentation based upon a comparison of said corresponding announcement to a filter record which includes at least one user preference for altering said presentation.

6. (Twice Amended) A segment announcement system comprising:

an analyzer that analyses a content of one or more content streams;

an announcement generator that creates an announcement containing a description about said content of one or more of the content streams;

a transmitter section that sends said announcement to one or more receivers using a signal, said announcement being added to said signal by a party other than said broadcaster of

said content, wherein each of said receivers comprises:

a controller that alters a presentation of said one or more content streams in accordance with the description and the time from a corresponding announcement and based upon a comparison of said corresponding announcement to a filter record which includes at least one user preference for altering said presentation.

11. (Three Times Amended) A closed circuit transmission system comprising:

a segment announcer comprising:

an analyzer that analyses a content of one or more content streams, wherein said analyzer comprises a party other than a broadcaster of said content;

an announcement generator that creates an announcement containing a description about said content and a time associated with said content; and

a transmitter section that sends the announcement over a communication network; and

a segment announcement receiver comprising:

a receiver section for receiving said announcement and said content stream; and

a controller that alters a presentation of said content stream in accordance with [by] the description and the time in said announcement and based upon a comparison of said announcement to a filter record which includes at least one user preference for altering said presentation.

12. (Three Times Amended) A process comprising:

adding an announcement to a signal including a content stream by a party other than a broadcaster of the content stream;

receiving said content stream, said announcement having a description about a content of said content stream;

matching said description to said content; and

presenting said content based upon said description if the content matches the description and based upon a comparison of said announcement to a filter record which includes at least one user preference for said presentation.

13. (Three Times Amended) A segment announcement receiver comprising:

means for adding an announcement to a signal including a content stream by a party other than a broadcaster of the content stream;

means for receiving said content stream, said announcement having a description about a content of said content stream;

means for matching said description to said content; and

means for presenting said content based upon said description if the content matches the description and based upon a comparison of said announcement to a filter record which includes at least one user preference for said presentation.